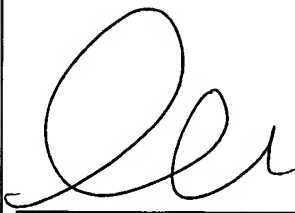
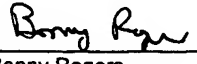


AF  
JPW

|   |   |                               |   |                            |                 |
|---|---|-------------------------------|---|----------------------------|-----------------|
| <b>AMENDMENT TRANSMITTAL LETTER</b>   |   |                               |   | Docket Number<br>EMS-07301 |                 |
| Application Number<br>10/802,489  | Filing Date<br>March 16, 2004             | Examiner<br>Nguyen, Than Vinh | Group Art Unit<br>2187  |                            |                 |
| Invention Title<br>CONTINUOUS DATA BACKUP USING DISTRIBUTED JOURNALING  |   |                               |   |                            |                 |
| <b>TO THE COMMISSIONER FOR PATENTS</b>  |   |                               |   |                            |                 |
| Transmitted herewith is an amendment in the above-identified application, including:  |   |                               |   |                            |                 |
| <input checked="" type="checkbox"/> Amendment and Response to Office Action<br><input checked="" type="checkbox"/> Amendment Transmittal (in duplicate)<br><input checked="" type="checkbox"/> Return Postcard  |   |                               |   |                            |                 |
| <b>CLAIMS AS AMENDED</b>  |   |                               |   |                            |                 |
|   | (1)                                       |                               | (2)   | (3)                        |                 |
|   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |                               | HIGHEST<br>NUMBER<br>PREVIOUSLY<br>PAID FOR   | PRESENT<br>NUMBER<br>EXTRA | RATE            |
|   |   |                               |   |                            | FEE             |
| TOTAL CLAIMS  | 52  |                               | 52  | 0                          | x \$ 50<br>\$ 0 |
| INDEPENDENT CLAIMS  | 17  | Minus                         | 17  | 0                          | x \$200<br>\$ 0 |
| MULTIPLE DEPENDENT<br>CLAIM ADDED   |   |                               |   |                            | \$360<br>\$     |
|   |   |                               |   |                            | TOTAL<br>\$ 0   |
| If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2, and enter amount here.  |   |                               | <b>SMALL ENTITY TOTAL</b><br>\$   |                            |                 |
| <p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.<br/>         ** If the highest number previously paid for IN THIS SPACE is less than 20, enter "20."<br/>         *** If the highest number previously paid for IN THIS SPACE is less than 3, enter "3."<br/>         The "highest number previously paid for" (total or independent) is the highest number found in the appropriate box in column 1.</p> <p>( ) Please charge <b>Deposit Account Number 050889</b> in the amount of \$_____. A duplicate copy of this sheet is enclosed.</p> <p>( ) A check in the amount of \$_____ to cover the filing fee is enclosed.</p> <p>(X) Please credit any overpayment and/or charge any additional filing fees required under 37 CFR §§ 1.16 and 1.17 to our <b>Deposit Account Number 503596</b>.</p> |   |                               |   |                            |                 |
| <br>Anne E. Saturnelli, Reg. No. 41,290<br>January 24, 2007<br>Date  |   |                               | <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 24, 2007.</p> <p style="text-align: center;"> <br/>         Bonny Rogers       </p> |                            |                 |



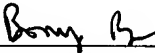


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Oliveira et al. :  
Serial No.: 10/802,489 : Examiner: Nguyen, Than Vinh  
Filed: March 16, 2004 : Art Unit: 2187  
For: CONTINUOUS DATA BACKUP : Atty. Docket: EMS-07301  
USING DISTRIBUTED :  
JOURNALING :

**Certificate of Mailing**

I hereby certify that the foregoing document is being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the 24<sup>th</sup> day of January 2007.

  
Name: Bonny Rogers

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is being provided in response to the Final Office Action dated October 25, 2006, for the above-captioned U.S. patent application.

**Amendments to the Claims** are reflected in the listing of claims which begin on **Page 3** of this paper.

**Remarks/Arguments** begin on **Page 25** of this paper.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required for consideration of this paper (including fees for net addition of claims) are authorized to be charged in two originally-executed copies of an Amendment Transmittal Letter filed herewith.